G. D. 7-51
Printing offices

File No. L 92

192 .

Later reference ( )

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Filing of a suit against Kouri Rou for the recovery of possession of certain lands at Tunuchiy belonging to the [illegible]

Muz. S]

190 .

MUZRAI SECRETARIAT.

OFFICE NOTE.

File No.

SUBJECT.

Re filing a suit for the recovery of the possession of certain lands belonging to the Vigasaraswami matt at Tinnevelly

FROM

The Govt. agent

Nos 16 & 58 Dated 9th Sept. 06 & 17th March 07

The Govt. agent reports that about the year 1784, a piece of wet land and 12 building sites appear to have been purchased by the matt, that portions of land have been alienated by mortgage or sale and that most of the lands are now in the enjoyment of third parties. He also states that the value of the lands has greatly increased in recent years owing to

File No. of Muzrai Secretariat.

the location of the Tunnevelly Bridge Railway Station and the proximity of the Public Offices.

In order to find out whether anything could be done at this distance of time, the Govt. agent says that copies of documents &c have to be procured in the first instance and estimates the cost of procuring such papers &c at Rs 300 and solicits sanction therefor. If however, after procuring the documents, nothing can be done to reclaim the Matt's lands, he says it will be a waste.

In a subsequent communication No. 58 dt 17.3.07 the Govt. agent reports that a portion of the land above referred to was sold by the late Swami of the Matt to one Annasami Moodly on the 20th Nov. 1905, that one Kovery Rao who was then

Muzrai Secretariat. | File No. of 190

in actual possession refused
to give it up and that the
question went up before
the Courts in which both
parties stated that the land
in dispute belonged to the
Sri Vijayarangaswami Matt.
The Govt. agent reports that
cause of action will be barred
by limitation on the 20th
Nov. inst and requests early
orders in the matter of filing
a suit on behalf of the
Matt, in time.

Submitted
Ps
22/3/07

(1) Let him obtain
the copies both
by Cable

(2) About the suit, let
him what it will cost

Pft put up

Ellis 23/3/07

File No. of 190 | Muzrai Secretariat.

(note continued)

The Govt agent reports that Mr R. Ramarow B.a B.L Pleader at Tinnevelly Bridge states that the Suit for recovery of possession of the Matt lands under dispute between Koneri Row and Sankara Moodelly would cost till its termination Rs 500 or thereabouts. It is reported that the ~~case~~ cause of action will be barred by limitation on the 25th November 1907 and that the Suit has to be filed before that date.

Report no 4 dy 19/7/07

Does the Govt Agent advise the filing of a suit?
Is there any probability of our succeeding?
What advantage would the Matt derive if it succeeds?
Has the Govt Agent enough of material for filing the suit?
Please Enquire

Subd 21/7/07

21/9/07

Muzrai Secretariat Office | File No. of 190

Note by the Muzrai Supdt

Re claim of Vyasaraya matt to wet S. no 91 measuring 74 cents (nearly 3/4 of an acre) situated to the east of the Railway feeder channel connecting Tamiraparani Bridge High Road near the Hindu college with Veeraraghavapuram at Srivaikuntam Bridge town.

Sri Vidya Vallabha Swamy one of the former Swamies of the matt, purchased in 1784 A.D from one Ramacher for 90 Fanams and 17 annam, a piece of wet land measuring 9.24 acres known as Pallai - veettu land together with 12 building sites and some vacant land adjoining Veeraraghavapuram village at Srivaikuntam Bridge town. S. no 91 in question which is locally known as Nandavanam of the matt, forms part of these lands

Mukundan Rao, late Tahsildar of Tu[illegible]

File No. of 190 | Muzrai Secretariat Superintendent's Office

and Annasamy Modliar were the Agents of the Math - Sometimes the one and sometimes the other Mukunda Rau Mandaiar the lands as Nandavanam by planting Tulasi and flowers. He planted also some trees on a portion of the land and obtained in his own name three Pattas from Govt Nandavanam having been latterly neglected, the other Agent managed to have access to it

During the Survey the Govt classed the land as wet changing from the former classification of unassessed waste

It is stated that these Agents kept the successive Swamies in the care as to the high bred Bulls of the Bullocking. Annasami Modliar purchased it in the 20th November 1895 for Rs 300/ under a registered sale deed

GPB—3,000—25-9-07

Muz. 8

Muzrai Secretariat (Superintendent's office) | File No. of 190

from the late Srimat Vidya Samudra Theerthar Swamy The British Govt having wished to take up this land for the purpose of building an Hospital, the matter was taken to Courts and Annaswamy Mudliar was successful in establishing this right. He having died his sons— Sankara Mooly and Govindaswamy Mooly— obtained a decree against Govt but their right to the property was disputed by Konen Rau, son of the other Agent Sunkunda Rau. The suit filed in the Addl Dist Munsiffs Court at Trincomaly was decreed to Konen Rau on the score of long possession adverse to the right. It was also held that the sale of the property by the said — Konen Rau was invalid. On appeal to the Dist Judge, the Munsiff's finding was reversed [illegible]

File No. of 190 | Mūzrai Se

Annasamy Modliar having purchased the property from the Matt his sons were the rightful owners to it A second Appeal to the High Court of Judicature in Madras was preferred by Konen Rao against the judgment of the Dist. Judge and the Suit was since disposed of.

The Govt Agent reported that the Value of Nandunanam (¾ of an acre) was at least Rs 2500/- (as estimated by his Counsel) and proposed the filing of a suit for its recovery by the Matt for the following among other reasons:-

1) That the swamy was imposed upon by his Agent Annasamy Modliar and made to part with the Land for a nominal price of Rs 300/-

2) That as there was no necessity justifying the sale by the late swamy, the same is not binding on his successor

GPB—3,000—25-9-07

Muzrai Secretariat | Subordinate Offices | File No. of 190

the present Swamy the Collector early orders as the suit has to be filed before 12th November 1907 ie within 12 years from the date of the Sale Deed.

The Govt Advocate was consulted in the matter. As to the 1st ground he states that the suit land was unassessed waste when it was sold in 1895 To Annasamy Mudliar and doubts if waste lands in the locality were sold at higher rates than Rs 400/- per acre and thinks that the value should have been exaggerated by the aggrieved party Koneri Rau. As to the 2nd ground he states that the land at the time of sale was not under cultivation or bearing anything. It was bodily [illegible] possession of the land [illegible]

laid claim to it as it was classed as unassessed waste in Govt Accounts. Seeing his title was doubtful, the late Swamy sold it for what it can fetch as it was worthless. On the whole he is of opinion that it is not advisable to involve the matter in litigation, in respect of a stale matter connected with a very insignificant piece of land of about 3/4 of an acre, when the issue is so very doubtful. The above view was communicated to the Govt. vide [illegible]

The Govt Agent again Reports that High Court Appeal has been decided in Sankara Moorthys favour, that he is arranging to sell the land, and that the purchasers are hesitating to close the bargain as his title is not clear. In the circumstances he suggests that if a Notification is published in the Local Gazette about the matter right the purchasers may come forward

GPB—3,000—25-9-07

Superintendent
Muzrai Secretariat | File No. | of 190

and buy up the Matt's right by paying something

The Govt Advocate was again consulted in the matter.

He states that it is not safe to put forward the title of the Matt to the land in question by means of Advertisements in papers, unless the Govt are prepared to defend a suit for damages at the instance of the successful Plaintiffs in the suit He further states that the predecessors of the present Swamy had mortgaged other property of the Matt in the Madras Presidency for very large sums which were paid up by Govt. He thinks that if the the Validity of these Curge transactions were not questioned it would look petty if the Govt were to discuss the matter in respect of this insignificant [illegible]

wet land He is of opinion that it not advisable to follow the course recommended by the Govt Agent of the Distt.

Issue - both the proposed rules will affect the interests of the Hill Tribes

18/8/09

18/8/09

GPB—3,000—25-9-07

ment Agent,
Mysore Inspection Department,
for Sri Vyasaroya Swami Matt
Dated, Camp Timmapally Bridge, the 9th Septr 1906

1504

Rs
13/9/06

No 16

To

The Secretary to the Government
of H. H. the Maharaja of Mysore,
in the Inspection Department.
Bangalore

Submitted for orders on the - marked in blue pencil

Rs
23/10/06

Report submitted by Government Agent M. Raghavendra Rao of Sri Vyasaraya Swami Matt.

Re. procuring documents relative to the Sri Vyasaroya Swami Matt lands in Veerarajhavapuram, Timmapally Bridge, in the possession of other persons.

1 From the copies of documents the Government Agent obtained from the District Judge's Court of Timmapally which had been filed in Compensation case No 10 of 1900 by one Subbachar a Mukteyar of the Matt Sri Vidya Vallabha Swamigalavaru in A.D 1784 purchased from one Ramachar for 90 Connus and 1 Fanam a piece of wet land measuring 5 Kottahs 14 Marikals and 6 Paddies (9.24 acres) known as Pattavritti land together with 12 building sites

2 Out of the above wet land one Va-
mukha Adigirisamayachar son of Narasimha-
char a Muktiyar of the Sri Vyasaroya Swami Matt,
under instructions from the Matt, verbal or written
is not clear, had mortgaged with possession to
one Vamukha Jagannathachar a former Muktiyar
of the Matt, three small pieces of land severally on
one and the same date, the 17th April 1820, under
different mortgage deeds, the consideration being
settlement of certain monies due to him from the
Matt. The Government Agent has, till now, been
able to procure a copy of one of the three mortgage
deeds which relate to the piece of land measuring 14
Markals and 2 Paddies (1.10 acres) mortgaged
with possession for 15 Pannus, date fixed for the
repayment of the amount being six years from the date
of the document failing then amount to be paid
in Chittarai of any year and possession of the
land to be re-transferred to the Matt.

3 From enquiries the Government
Agent learns that the families of both the Mortgagor
and Mortgagee are now extinct, and it is not
very clear under what title the present possession
is being continued in various persons.

After a lapse of 60 years

Veertha Swamigalavaru filed a suit in the District Munsiff Court of Jimmanilly in 1880 against Palne Chetti and Pichaikkai for the recovery of possession of the mortgaged lands finding the lands then in their possession. The case was conducted by one Annusami Moodly as Agent of the Matt. This man appears to have held possession at that time of the Vyasarayaswami Matt lands at Veeraraghavapuram. Suit No. 191 of 1880 was thrown out for the failure on the part of the Matt Agent to pay stamp duty on the plaint as ordered by the Court. Two years later another suit No. 172 of 1882 was filed which was decided unfavorably to the Matt on the score of technical ground as well as on the ground of limitation, which latter, in the opinion of Lawyers, was unnecessary.

5 Since that time the value of lands at Veeraghavapuram has increased very much owing to the location of the Jimmanilly Bridge Railway station there and owing to its proximity to the Public offices of the Jimmanilly District just on the other side of the river Tambraparni. Veeraghavapuram which was formerly a road-side hamlet has now grown into a town. It may be said that if on this date the Matt had the undisturbed possession of the full extent

This abnormal increase in the value of lands made the persons in possession of the unencumbered for Sri Vyasaroya Swami Matt lands as trusted Agents and faithful friends to strengthen their claims to such property as absolute owners adversely to the Matt

6 At the present moment the following is the disposition of what was once the Vyasaroya Swami Matt land at Veeraraghavapuram.

(a) One Konare Rao son of the late Mukunda Rao holds a piece of Cocoanut garden land. Its possession to him has descended from his grand-father of his own name to whom the then Swamigalavaru of the Sri Vyasaroya Swami Matt seems to have made over the land for maintaining it for the matt. In 1895 the present Matadhipate Sri Vidyasamudra teerth Swamigalavaru sold this garden land with some other lands for Rs 300 to above mentioned Matt Agent Annusami Moodly as per Registered Sale deed dated 20th November 1895. Konare Rao refused to give possession of the land to the purchaser, but Annusami Moodly taking possession

by force on the strength of the sale deed a suit was filed by Konara Rao in the District Munsiff Court of Tiruvarur. The case having been transferred to the file of the Additional District Munsiff Court of Tiruvarur a Decree was passed by that Court in O.S. No 2 of 1905 upholding the possession of the land by Konara Rao and granting a perpetual injunction restraining Sankara Moodly the son of Annusami Moodly from interfering with the possession and enjoyment of Konara Rao (vide Copy of Decree attached). In granting the above relief the Court has disregarded the sale Deed dated 20th November 1895 granted by the Swamigalavaru conveying the land to Annusami Moodly.

A copy of judgment will follow.

Annusami Moodly's son Sankara Moodly has appealed against the above decree and the case is still pending in the Court of the District Judge of Tiruvarur. Konara Rao is contemplating to sell the garden land as soon as the Judgment of the District Court is pronounced in his favor, i.e, upholding the Decree of the lower Court. It is therefore a matter of urgent necessity to file a suit as soon as

for the Matt from the hands of Kowara Das

(b) A small piece of land was sold in satisfaction of Court Decree obtained by one Gopaul Krishnachar against the Matt in S. C. No 845 of 1885 on the file of the Sub Court of Tirnavelly and an upstare house has been built on it by the purchaser.

(c) In the sale deed of 20th November 1895 a house site is included which lies to the west of the land sold in satisfaction of the above decree: on this site a big upstare house has been built by Annusami Moodly

(d) Again to the west of the above house Annusami Moodly has sold away a valuable piece of land to one Vakil Mr. B. K Ramaiyya for a large sum on which shops have been built. These shops are let out on hire for beating Tirnavelly Board Technical Institute and other petty shops for a high monthly rent of about Rs 100. The Government Agent understands that Mr. B. K. Ramaiyya is likely soon to sell the building to the Board.

(e) On the remaining portion of the Sri Vyasaraya Swami Matt land more or less 100 houses of various sizes, mostly substantial buildings,

built within the last 10 years, and a few more are still under construction. Under what title these houses have been built or are being built it is not possible to say with the papers in the hands of the Government Agent.

(f) To the further west of these houses a piece of land said to have belonged to the Matt was acquired by government in the year 1879 for the use of the Travancore branch of the South Indian Railway. One Picha Pillai and 7 others who then held possession of the land obtained Compensation of Rs 3043.10.8 under Tinnavelly District Judge's Awards Nos 10 and 11 of 1900. At the time one Subbachar as Muktiyar on behalf of the Matt filed a Counter Petition against the above claimants, but on the final hearing day with-drew himself without giving any instructions to his Lawyer. Thus the Matt was made liable for the Court Costs of the Claimants to the amount of Rs 18.0.0.

7 In order to see that if any thing can be done to establish the old title of the Matt to the above lands and to recover the Compensation money from the parties who have received it from Court many more documents are necessary Late Annuswamy Moodly and Mukunda Rao, the

the faithful custodian of the Matt properties seem to have procured from the Matt all the valuable original documents shewing the title of the Matt to the lands. They or their heirs have frequently filed these documents in Courts on various occasions and taken them back. There is therefore no doubt that these documents exist even to this day. But as the Government Agent has now come here to assert the right of the Matt to the lands it is feared that they are likely to hush up the documents. Some important old revenue accounts are in the hands of private persons and in the Collector's Office. Early steps should be taken to procure these documents together with many copies of Judgments passed by Courts in connection with old litigations pertaining to these lands. After procuring these documents only it is possible to form a view as to whether successful land suits could be filed for the recovery of the lost lands. The Government Agent estimates the probable cost of procuring all the available documents, accounts, statements &c together with the Lawyer's Bill for procuring them

more or less, to Rs 300. If the documents do not prove to be of use to the Matt the initial cost of Rs 300 spent in procuring them will be a vain expense.

8. Now that very many persons at Limavully and in Mysore Province (both responsible and irresponsible persons) say that the Matt has lost possession of valuable properties at Limavully Mattuka and other places. Only those who go deep into the matter discussing with Lawyers the legal aspect of each question can understand how far the Matt has slept over its rights, how faithless Agents of the Matt have let adverse rights to take root in the properties and at this distance of time extending over, in some cases more than 60 years how difficult and expensive a task it is to re-assert the Matt claim to the properties.

9. As the people charge the Matt with neglect of duty in regard to the recovery of lost properties the Government Agent submits that it would be better once for all to be fully satisfied by looking into all the available documents even though it may cost some money. If on procuring the papers a satisfactory claim could be laid even for some of the lost lands, if not all,

money

procuring the documents will not have been spent in vain.

There is however some hope that in the mistoure of garden land at present in the possession of Konare Rao referred to in para 6 (a) a successful suit appears to be possible. The documents proposed to be collected will, at all events, be of service in this case.

Should the Inspral Secretary be pleased to agree in the above views taken by the Government Agent the sum of Rupees 300 applied for for procuring the documents may be sanctioned. As it is not possible to ascertain at present how the matt stands in point of limitation of time for putting in the various claims the Government Agent respectfully submits that early sanction may be accorded to the above sum.

10 For procuring the copies of some of the judgments, sale deeds, awards &c. the Government Agent has advanced £20 to Pleader Mr. R. Rama Rao B. A; B.L. and on the strength of the few papers thus procured the Government Agent has been able to frame this report. The Government Agent therefore regrets that the advance of £20 made by

may also be approved. Some more copies of papers already applied for are being copied and not yet ready for delivery to applicant.

11 The Government Agent has kept with him the original public copies procured from the Court and is submitted herewith only copies of those copies as per List attached.

M. Raghavendra Rao

Government Agent

Mysore Inspection department

for Sri Jayachamaraja Wodeyar Bhat.

From the Mysore Government Agent
for Sri Vyasaraya Swami Matt
in the Inam Department
Dated, Camp Tirumakudlu Narsipur the 17th March 1907

No. 58

To

The Secretary to the Government
of H. H. the Raja of Mysore
in the Inam Department.

Sir,

Report submitted by the Deputy Amildar, Mysore for Sri Vyasaraya Swami Matt

Re: Filing a suit to recover possession of a piece of land belonging to the Sri Vyasaraya Swami Matt at Tirumakudlu Narsipur under directions of the Mysore Government.

In the Report of the Deputy Amildar, Mysore for Sri Vyasaraya Swami Matt, Mysore, dated 1st September 1906, it was reported by the Deputy Amildar in para 6 (a) of his report that the Court of the Munsif of Mysore in O.S. No. 2 of 1900 decided that the land in question belonged to the Sri Vyasaraya Swami Matt, Mysore, and that the decision of the Munsif's Court was confirmed by the Court of the Subordinate Judge of Mysore in A.S. No. 21 of 1900-01 and that the decision of the Subordinate Judge was confirmed by the High Court in S.A. No. 1 of 1903-04 and that the decision of the High Court was confirmed by the Privy Council in Appeal No. 92 of 1905-06.

MYSORE GOVERNMENT 4311 20.3.07 MUZRAI SECRETARIAT

Rupees
Rs
2073

the Case
and decided in favour of Defendants, the
Moodaliyar brothers. A copy of Judgment
and Decree of the Appellate Court is respectfully
submitted this day for book post.

2. The late Mr. Saminadha Ter the Swamin-
galavaru sold the land in dispute to Swa-
mini Moodaliyar on 20th November 1895. It will
be 12 years on 20th November 1907 from the
date of sale and after that the Cause will be
barred by the law of limitation. Should the
Matt wish to file a suit for the recovery of
the possession of the property by setting the
sale deed set aside early steps have to
be taken. The Additional District Munsiff of
Kumbakonam had no access to the sale deed.
Both the parties have stated that the land
in dispute is the property of the Devasthanam
Committee. The Govt Agent respectfully
solicits early orders in the matter.

3. It is announced that Komuttoo whose
claim was rejected by the District Judge
has already filed a second appeal in the
High Court of Madras. Some say that he
is being invited all away the land

dispute and share the proceeds between them. If this is done further complications will arise.

4. The Government Agent personally applied for a copy of the District Court decree on 12th October and lost but got the copy only yesterday (16th March 1907).

Mr. Raghavendra Rao
Mysore South Agent
for the Harisons and Crosfield

Govt of H.H. the Maharaja of Mysor

Muzrai Department.

Dated, Bangalore, 23rd March 1907

Official Memorandum.

With reference to his reports Nos. 13 and 58 dated 9th September 1906, and 17th March 1907, soliciting permission to obtain certain copies of documents & relating to, and also for filing a suit for the recovery of the possession of, certain lands belonging to the Sri Vyasaraya Swami Matt at Tinnavally now under dispute between Koneri Rao & Shankara Moodely, the --- Government Agent is directed to obtain ~~the~~ such copies of documents as may be required & to be examined into reference ~~little by little. As for the Suit, he is requested to~~ report what the Suit will cost.

By order,

25/3/07

Secretary.

To,

The Government Agent of the Sri Vyasaraya Swami Matt, Vadavati

Tinnevally District.

Office of the Mysore Govt. Agent
for Sri Vyasarayaswami Mall

Please continue the
Office note

Dated Camp Mysore 19/4 July

293
20.7.07

No 4

Mr 20/7/07

To

The Secretary to the Government of
H.H the Maharaja of Mysore in
The Muzrai Department
Bangalore

Report submitted by M. Raghavendra Rao
the Mysore Govt. Agent for Sri Vyasaraya
Swami Mall.

With reference to Govt. Memorandum
No. 4660 dated 26/3 March 1907 directing to
state what the suit for recovery of possession
of the Mall lands under dispute between
Koneri Rao and Sankara Moodly would
cost, the Government Agent respectfully—
begs to state that pleader Mr. R Rama Rao B
B.L. of Tumakuru Bridge states that the Suit
may cost till termination Rs 500 or thereabouts

M. Raghavendra Rao.

Mysore Government
Agent for Sri Vyasaraya Mall

28

(Draft for perusal)

Memo

Govt. agent's report no 4 dated 19th July 1907 re the filing of a suit against Koneri Row for the recovery of the possession of certain lands belonging at Tinnevelly belonging to the Vysaraya-Swami Matt.

The Govt. agent is requested to report ~~if he advises the filing of a suit~~ on the following points:—

1) Does the Govt Agent advise the filing of a suit?
2) Is there any probability of our Succeeding
3) What advantage would the Matt [illegible]

69

No. 1358/11.9.07

4) Has the Govt Agent enough of material for filing the suit.

2. As the cause of action is reported by the Govt agent to be barred by limitation on the 20th Nov 1907. an early reply is requested -

By order

3/9/07

Secretary

4/3/1907

Office of the Mysore Govt. Agent
for Sri Vyasarayaswami Matt
Dated Camp Tirukoilur 9th October 1907

No. 17

Received 12/10/07

To

The Secretary to the Government
of H. H. the Maharaja of Mysore
in the Mudrai Departt
Bangalore

Subd
re
sent to the Govt Advocate
for favour of opinion
Yr
14/10/07
AV

Dft submitted.
14/10/07

Report submitted by M. Raghavendra Rao, the Mysore Government Agent for Sri Vyasarayaswami Matt

Reference:- Memo no 1358 dated 4th Sept 1907 from Govt. in the Mudr. Department anent the proposed recovery of possession of certain land at Timmavelly belonging to the Sri Vyasarayaswami Matt by instituting a law suit.

The Government Agent begs respectfully to report that the property bears Survey no 91 and is in extent 74 cents. It is at present classed as Manjal (wet) and is situate to the east of the Railway feeder road connecting Thambraparni

Bridge Town. It forms a part of the land purchased by Srimad Vidya Vallabha-Swamigalavaru in Aundu 956 / A.D 1781, prior to the acquisition of the Tinnavelly District by the British.

2. It is locally known as Nandavanam of Sri Vyasaraya Matt and in former days it was allowed to be enjoyed by the Matt rent free.

3 Mukunda Rao, father of Koneri Rao, who was Tahasildar of Tinnavelly and Annasamy Mudliar appear to have been the Agents of the Matt sometimes the one and sometimes the other

4 For a long time Mukundu Rao maintained the lands as a Nandavanam by planting Tulasee and flowers and the entrance to which was fastened by him by lock and key. Some trees were afterwords planted on a portion of the land in lieu of those fell down and obtained in his own name tree

a from Government presumably without the Knowledge of the Maladhi pathi of the time

5 Laterly Nandavanam appears to have been neglected by Mukunda Rao with the result that Anna — Sami Moodliar his rival in the — capacity of the Agent of the Matt had access to the land. During the survey the Govt. classed the land as Nanjai (wet) changing from the former classification of unassessed waste.

6 Both the above Agents of the Matt Kept the successive Swamigalavaru totally in the dark as to the high local value of the property. Annasami Moodliyar, being the shrewder of the two purchased the property on the 20th Nov. 1895 for a nominal price of Rs 300/- under a registered Sale deed from the late Srimad Vidya Sannidhi Teertha Swamigalavaru (vide copy of the Sale-deed Submitted with report no 16 dated 9th Sept 1906) Thus strengthening his

title to the property. Annasami Moodliar disputed the right of possession of the Govt to the land, who then wished to take up the land for the purpose of building an Hospital and insisted on the Govt to issue a Nanjai (wet land) Patta in his name.

7 On refusal by Govt to grant the Patta sought for by Annasami Moodliar he filed a suit against the Govt. The Additional District Munsiff of Tirunavelly in his judgment in O S no 84 of 1901 (Copy submitted herewith) has fully explained the right and title of the natt to this property and has held it to be purely a private property of the natt purchased as far back as the pre-British days 120 years or so ago. Annasami Moodliar having purchased such a title to the property from the natt, the Munsiff declared that the Govt has no right whatever to the land beyond the right to levy assessment

munsiff was strongly supported by the district judge of Tinnavelly on appeal to that tribunal in A.S 238 of 1902. (Copy submitted herewith) The Govt did not prefer a second appeal against this to the High Court of Judicature in Madras. This Annasami moodliar was throughout successful against the Govt in establishing his own right to the property as will be seen later on

8 While the above litigation was going on Annasami moodliar died. Though his sons were fortunate enough to secure a decree against the Govt their right to the property was still disputed. This time by Koneri Rao the son of Mukunda Rao his father's rival in mail Agentship. Koneri Rao filed a suit against the son of Annasami moodliar Viz Sankara moodly and Govindasami moodly. This suit was also disposed of in the court of the Additional District Munsiff of Tinnavelly (Vide copy of judgment

1905)
dated 9th Sept 1906) It was held that
the sale of the property to Annasami
Moodliar by the Mutt on 20 Nov. 1895
is invalid. The defendants not having
proved any other title to the property
it was decreed to Kondi Rao on the
score of long possession adverse to the
Mutt on appeal to the District Court Sanka
ra moodly and his brother were declared
as the rightful owners of the property (Vide
Tinnavelly District Court gudgment in
A-S No 155 of 1906 submitted with report
no 58 dated 17th March 1907. The District
judge held that both Mukunda Rao
and Annasamy Moodliar were mere
Agents of the Mutt and in that capacity
only held possession of the property,
but Annasamy moodliar having since
purchased the property from the Mutt
his sons are now the rightful owners
of it. In other words the sale deed of 20th
November 1895 which was held to be not
valid in the lower Court was accepted

judge as valid

9 A. Second appeal to the High court of judicature in Madras prefered by Koneri Rao against the judgment of the Dist judge of Timmavelly is now pending decision

10 The Govt Agent had referred the above case to Mr R Rama Rao B A B.L. Pleader at Timmavelly Bridge for legal opinion. His opinion Regd no 14 30.9.07 is herewith submitted for favor of perusal from which it will be seen that:-

1 It is in his humble opinion advisable to file a suit to recover possession of Nandavanam property.

2. There is a probability of success, but in all legal disputes it is not possible to foresee what turn the case would take when it runs its full course up to the High court of judicature at Madras

3 A landed property at least worth about Rs 2500 will revert to the Matt if successful in this litigation.

has to be asserted by filing the opinion of Judges in previous cases Public copies of those judgments have all been procured. In case the suit is filed some oral evidence should be let in to prove that the sale deed dated 20th Nov 1895 was obtained by Sankara Moodli by misrepresenting to the late Swamigalavaru the value of the property to be very little, he himself being an Agent of the mutt and bought it for his own benefit in fraud of the mutt.

The Govt Agent respectfully begs to solicit the favor of the case being referred to the Govt Advocate for independent opinion. This has to be done as early as possible so that the case, if it has to be filed, may be filed before the 20th November 1907. i.e within 12 years from the date of sale deed.

M. Raghavendra Rao
Mysore Government Agent
for Sri Vyasaraya

Dft as per orders

No. 2019/19.10.07
Encls 6

To,

The Govt Advocate,
in Mysore

Sir,

I am directed to -
forward herewith in original
memo no 17 dated 9th October
1907
from the Govt Agent of
the Sri Vyasarajaswamy
Matt Soliciting permission
to file a suit in regard
to the restoration to the
Seers matt, of a piece of
land bearing Survey no 91,
Situated to the east of the
Railway feeder road Con-
necting Tambraparni Bridge
High road near the Hindu
College with Veeraraghava-
puram at Tinnanally

land which is reported to be valuable one is stated to have been purchased by Annasami Mudliar (since deceased) for an inadequate sum of Rs 300/- under the authority of the registered sale deed dated 20th November 1895, said to have been executed by the then Swamigalu of the math.

2. ~~I am directed to request that as~~ the latest date for taking legal steps in the matter is reported to be the 20th November 1907, & I am directed to request You will be good enough to favor Govt. with your opinion in the matter of filing the proposed suit

3. The favor of a

Very early reply is -

requested.

4. The opinion of Mr. R. Ramadas B.A.B.L, Pleader at Tinnevelly & the judgments forwarded by the Govt. Advocate are ~~recorded~~ herein enclosed for reference and return.

I have the

17/10/07

Secretary.

Mutz Dehn

16/10/07

15

Office of the Government Advocate in Mysore.

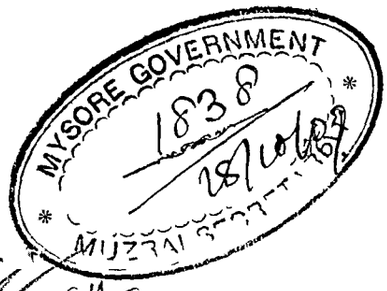
Bangalore dated, 26th October 1907.

No. 6.

From,

S. Narayana Rao. Esquire.

Government Advocate in Mysore.



To

L. Anantasami Rao. Esquire, B.A.,

Secretary to the Government of H.H. the

Maharaja of Mysore, Muzrai Department.

Forward copy to Govt. Agent & return the records received with his comments.

29.10.07

Sir,

In reply to your letter No. 2019 dated the 19th Instant, I have the honour to state as follows:-

1. The land which is the subject matter of the reference is said to be 74 cents or nearly ¾ of an acre in extent. It seems to have been a waste land till it was classed wet recently. The late Swamy sold it for Rs.300/-. The alienation is sought to be impeached on the grounds: -- (1) That the swamy was imposed upon by his agent Annasa i Modaliar, and made to part with the land for a very inadequate price, and (2) that as there was no necessity -- justifying the sale by the late swamy, the sale is not binding on his successor the present swamy.

2. As to the first ground,

The late swamy sold the land in 1895 for Rs.300/- which comes to a little more than Rs.400/- per acre. The land was classed at that time as unassessed waste and was lying uncultivated ~~unalienated~~. I do not know if waste lands in the locality sold at -- higher rates than Rs.400/- an acre, 12 years ago. There is also no proof that the swamy was not aware of all the -- circumstances connected with the land. It is said that the land is now worth Rs.1500/-. I am not inclined to accept this valuation for a piece of wet land possessing ---

about of an acre.

3. As to the 2nd ground,

The land was evidently not yielding anything and was probably not in the possession of the mutt. The Government seems to have been ~~laying~~ laying claim to the same as the same was classed in the Govt accounts as unassessed waste. Seeing his title was doubtful, the late swamy seems to have sold it for what it can fetch. In these circumstances, I am of opinion, the sale cannot be impeached.

4. On a careful consideration of the course of -- previous litigation about this piece of land, I am inclined to suspect that the value of the land is very - much exaggerated by persons connected with the unsuccessful party in ~~the~~ litigation, namely Koneri Rao. It is said that the 2nd appeal preferred by Koneri Rao is -- now pending before the Madras High Court. If it be -- held in this appeal that the land was in the possession of Koneri Rao and his father adversely to the mutt, for more than the statutory period, further complications will arise. It may be that Koneri Rao wants to have a 2nd string to his bow in the proposed suit against his --- adversary.

5. On the whole, I am of opinion, it is not advisable to involve the mutt in litigation, in respect of a stale matter connected with a very insignificant piece of land of about $\frac{3}{4}$ of an acre in extent, when the issue is so very doubtful.

I have the honour to be

Sir,

Your most obedient servant.

S. Narayana Rao

Government Advocate.

Urgent

No. 2154 B/31.10.07
Encl. 6.

Offl memo

The accompanying copy of letter no 62 dated 26th October 1904 from the Govt Advocate in Mysore furnishing his opinion in the matter of the suit proposed to be filed in regard to the restoration to the Sri Vyasaraja swamy Mutt of a piece of land Survey no 91 situated to the East of the Railway Feeder road connecting Tambraparani Bridge High Road near the Hindu College with Veera-raghava puram at Tinnevelly Bridge town, is herewith forwarded to the Govt Agent of the Sri Vyasaraja Swamy

Mall with reference to his report no 14 dated 9th October 1904

2) The enclosures to his Communication are herewith returned

D(H)

Secretary.

29/10/04

MYSORE MUZRAI DEPARTMENT.

OFFICE OF THE MYSORE GOVERNMENT AGENT
FOR SRI VYASARAYASWAMI MATT.

No. 22
Encls 3

DATED Camp Kakabal 20 Oct 1908.

196
28.10.08

To

THE SECRETARY
TO THE GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE
General and Revenue
~~IN THE MUZRAI~~ DEPARTMENTS
Muzrai Branch
BAGNALORE.

Report submitted by M. Raghavendra Rao, the Mysore Government Agent for Sri Vyasarayaswami Matt.

Reference :—

Subject :—

Sir,

With reference to Govt order no 2154 dated 31st October 1907 forwarding for information a copy of ~~the~~ letter no 62 dated 26th October 1907 from the Govt Advocate in Mysore vetoing the proposal for filing a suit for the restoration of certain lands which belonged to the Sri Vyasarayaswami matt in Tirumakudlu Bridge-town, I respectfully beg to inform that R Rama Rao B A B L. Pleader, Tirumakudlu Bridge informs me that the appeal suit in respect of the above property

Refer
Please continue note
CR Iyer
27/10/08
W/
✓

N.B.
The Govt Advocate has submitted for perusal Judgment and decree in O.S. No 16 of 1908 on the file of the Temporary Sub Court of Madura throwing light on the case in point.
27.12.08

Koneri

and Sankara Mudaly has been decided in favor of the latter.

Mr. Pleader Rama Rao further states that as now 12 years have expired from the date of alienation and that inasmuch as the value of the property will be more than Rs 10,000 the matter will have to be finally settled only by the Privy Council. The better opinion appears to be that 12 years will have to be counted from the date when the successor was appointed. It is a matter which will involve great expense to the matt & I have stand before on the merits, matt has a good case."

3 I respectfully beg to submit again the marginally[x] noted documents for any further consideration of the matter in the light of the remarks of Mr. Rama Rao above quoted. Should the Govt decide upon not taking any action in the matter as advised by the Govt Advocate the same may be communicated to the — Matadhipathe of the Sri Vyasaraya swami matt as the final disposal of the matter.

I beg to remain,
Sir
Your most obedient Servant
M. Raghavendra Rao
Mysore Government Agent
for Sri Vyasaraya swami matt

Encl in G.S No 84 of 1901 on the file of the Additional Govt Inspr of Schools
in A.S No 238 of 1902 on the file of the Govt Court of Inamdar
Pleader Mr. Rama Rao's Petition Regd No 14 30/9/07

MYSORE MUZRAI DEPARTMENT.

1338 & U. of 1

OFFICE OF THE MYSORE GOVERNMENT AGENT
FOR SRI VYASARAYASWAMI MATT.

No 72 — DATED, Camp Timmavelly Bridge 3rd April 1909

To

Unr
Refer early
6/4/09
vy

THE ~~SECRETARY~~ Muzrai Superintendent
~~OF INDEPENDENT DEPARTMENT~~ in MYSORE
~~AT THE MUZRAI DEPARTMENT~~
BAGNALORE.

Report submitted by M. Raghavendra Rao, the Mysore Government Agent for Sri Vyasarayaswami Matt.

Reference :—

Subject :—

Sir,

In continuation of my letter No 22 date 20th October 1908 I respectfully beg to submit herewith a copy of the Madras High Court judgment in Second Appeal No 499 of 1907. This judgment enables Seshera Hudaly and his brother to remain in possession of Nundavanam land at Timmavelly Bridge sold to their father by the late Srimad Vidya Sri Samudra Tee Swamigalavaru. I understand that Seshera Hudaly is arranging to sell the land. Alagiritami Naidu and some others in this place pressed me to publish a

intending are aware

present Mutadhipathe of the Sri Vyasaraya

Swami Matt still exists over the property as

the sale deed of the property was obtained from

the late Swamigalavaru by the father of

Venkata Moodaly, under misrepresentation

of facts. I refused to take any action in

the matter without authority from you.

May to remain

Sir

Your most Obedient Servant

M. Raghavendra Rao

Mysore Government Agent

Sri Vyasaraya Swami Matt.

In Court of Judicature at Madras

Thursday, the twenty third day of July

One thousand nine hundred and Eight.

Present

The Honorable Mr. Justice Munro.

and

The Honorable Mr. Justice Sankaran Nair

Second Appeal No. 499 of 1907

Konerai Rao Appellant (Plaintiff.)

vs

1 A. Sankara Mudaliar
2 Govindasami Mudaliar Minor through 1st Respondent } Respondents (defendants)

Second Appeal against the decree of the District Court of Tinnevelly in A. S. No. 155 of 1906, presented against the decree of the Court of the Additional District Munsiff of Tinnevelly in O. S. No. 2 of 1905.

This second appeal coming on for hearing the Court delivered the following Judgment. - The finding is that the Plaintiff is not in possession as owner of the property. The declaration prayed for was therefore rightly refused.

Signed Arthur Davies 24/7/08

By: Registrar App: Side

"True Copy" M. Raghavendra Rao

MYSORE MUZRAI DEPARTMENT.

No 1340/10-4-09

OFFICE OF THE MYSORE GOVERNMENT AGE
FOR SRI VYASARAYASWAMI MATT.

No. 75 DATED Camp Timmapur, Bridge 5-April 1909

To

THE ~~SECRETARY~~ Muzrai Superintendent
in
~~TO THE GOVERNMENT MUZRAI DEPARTMENT~~ MYSORE
~~BANGALORE~~

Refer GA

BAGNALORE.

Report submitted by M. Raghavendra Rao, the Mysore Government Agent for Sri Vyasarayaswami Matt.

Reference :—

Subject :—

Sir,

In continuation of my letter No 72 dated 3 April 1909 I respectfully beg to report that High Court Vakeels Mr. Somasundram Pillay and the Honble Gurusami Iyer are desirous of purchasing the Nundavaram land but hesitate to close the transaction as they are aware of the doubtful title of the decree holder Seshara Moodly to sell the land. If a notice is published in the district gazette to the effect that the Nundavaram land belongs to the Sri Vyasaraya Swami Matt and Seshara Moodly has no right to sell the same the intending purchasers might then ~~seek~~ request at the matt

ratify the sale by paying a
purchase money to the Math

I beg to remain
Sir
Your most Obedient Servant
M. Raghavendra Rao
Mysore Govt Agent
Sri Vyasaraya Swami Math

To The Secretary

Sir

I have the honour to forward herewith for your observations Reports Nos. 72 and 75 in original from the Protectorate with connected files for transfer of reference. It will be seen that a warrant issued by you on your letter No. 62 of 26.10.1897 for the arrest of Abdullah Karama Kamara failed to be executed owing to his disappearance about the time of the Yoni Expedition. The Protectorate Government were of opinion that the charge could not be proceeded with in the absence of the accused, but that it was necessary to take further action in the matter as witnesses are liable to be called upon to give evidence in this case when it is again brought before the Court. The Protectorate Government are of opinion that a notification should be published in the Official Gazette that Abdullah's right to the Kamara country may come forward and bring up his claim to the Chiefdom. If you think that a notification may be published I have the honour to request that the Warrant may be despatched without fixing any case of action to Sankoh Abdullah.

I have &c

[illegible]
C.S. [illegible]
Acting Colonial Secretary

Office of the Government Advocate in

Mysore, Bangalore.

Dated 12th May 1909.

No 1534
13-5-09

Register
put up papers
for continuance

W 12/5/09

From

The Government Advocate in Mysore.

To

The Muzrai Superintendent in Mysore.

Sir,

In reply to your letter No.843 dated 6th - Instant, I have the honor to state that it is not safe to put forward the title of the mutt to the land in question, by means of advertisements in papers, unless the Govern-- ment are prepared to defend a suit for damages at the instance of the successful plaintiffs in the suit referred to. The father of these plaintiffs purchased the said land from the predecessor of the present Swamy for Rs,300/- in 1895, when the mutt's title to the same was disputed by the ---- Madras Government, and by some other individuals who claim- -med different portions of the same adversely to the mutt. The predecessors of the present Swamy had mortgaged other property of the mutt in the Madras Presedency for very -- large sums and the Government paid up the same. While the validity of these large transactions were not questioned - it would look petty and playing into the hands of unsucss-

unsucessful adversaries of the purchaser, if the Government were to involve themselves in litigation in respect of this very insignificant piece of wet land of about - ¾ of an acre in extent near Tinnavally Bridge.

I am therefore of opinion that it is not advisable to follow the course recommended by the Government agent of the Mutt.

I have the honor to be

Sir,

Your most obedient servant.

S. Nanayakkara

Government Advocate.

319
No 178 Exec Over file
21-8-09

Official Memo

The accompanying copy of Letter no 302 Dy. 12th may 1909 from the Govt Advocate in Mysore is forwarded to the Govt Agent of the Sri Vyasaraya matt with reference to his Reports nos. 72 and 75 in the matter of the publication of a notification in the Local Gazette about the matt's right to Vandareana in Veeraraghava puram, Tirumaally Bridge Town.

2) Under the circumstances stated in the Govt Advocate's letter, it seems inadvisable to notify the matt's right by means of advertisements in news papers

3) The enclosures are herewith returned

17/8/09

17/8/09